IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5393 OF 2005

Eknath Sudamrao Rajbhoj ... Petitioner

Versus

Union of India and Ors. ... Respondents

Smt. S.R. Sawant for Petitioner.

None for Respondents.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : JANUARY 10, 2006

P.C.

. The present petition is directed against the order dated 12.3.2004 of C.A.T. by which the O.A. filed by the Petitioner herein for refund of H.R.A. for the period of 1.7.1983 to 30.12.1996 has been rejected. The O.A. was filed on 12.3.2004. The learned tribunal in its findings in Para 4 has recorded that the applicant was in occupation of the Government property for residential purposes and consequently came to the conclusion that the H.R.A. would not be available.

. It is submitted on behalf of the Petitioner that

the premises were inhabitable and there were no proper facilities and in these circumstances, the Petitioner is entitled for H.R.A. Once the Petitioner was occupying the premises of the Government, the rules do not permit H.R.A. being paid to him. IN these circumstances, we find no error apparent in the order of the tribunal. Consequently Petition rejected. No order as to costs.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)